IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.5003 OF 2007

Gaurishankar Kallapa Koli .. Petitioner

vs

State of Maharashtra & ors .. Respondents

Mr.R.K.Mendadkar and Ms.H.K.Mandlik for Petitioner
Mr.R.D.Rane Government Pleader, for Respondent nos. 1 2 & 5.

CORAM : S.B.MHASE AND D.G.KARNIK, JJ

DATED : 16th July, 2007

P.C.

Heard.

2. Rule returnable forthwith.

3. The petitioner is claiming social status as a Mahadeo Koli Scheduled Tribe. The said claim has been negatived by the Scrutiny Committee by an order dated 27th April, 2007 in Case No.TCSC/SCR/Solapur-42/2000. We propose to remand the matter back to the Scrutiny Committee on an issue that the vigilance cell report in the matter was not served on the petitioner but, it was served on the Chief Executive Officer of the Zilla Parishad where the petitioner was working. The petitioner has come up with a case that the vigilance cell report was not served on him and no opportunity

was given to him to meet out the vigilance cell report. In order to find out the truth of the statement we had called the original file of the Scrutiny Committee and it is noticed from the original file of the Scrutiny Committee that the vigilance cell report was not served on the petitioner. But, the acknowledgment on record shows that it was addressed to the Chief Executive Officer, Zilla Parishad, Solapur. There is no further evidence on record to show that the Chief Executive Officer, Zilla Parishad has served the said report on the petitioner, and therefore we find that the contention raised by the petitioner is valid one. We find that appropriate opportunity has not been given to the petitioner and therefore the order is vitiated.

4. Petition is allowed. Order dated 27th April, 2007 in Case No.TCSC/SCR/Solapur-42/2000 is hereby quashed and set aside. The matter is remanded back to the Scrutiny Committee. The Scrutiny Committee shall give and/or serve a copy of the vigilance cell report on the petitioner and give an opportunity to him to revert to the material appearing against him and thereafter shall pass an order on its own merits.

5. Rule is made absolute as above.

(D.G.Karnik, J) (S.B.Mhase, J)